

## **REMARKS**

In the Office Action, claims 1-20 were pending and rejected. In this response, claims 1-20 have been amended. No new matter has been added. Reconsideration of this application as amended is respectfully requested.

Claims 8 and 17 were objected because of informalities. In view of the foregoing amendments, it is respectfully submitted that the objection has been overcome.

Claims 1-4 were rejected under the obviousness double patenting rejection in view of U.S. Patent No. 7,168,051. In view of the foregoing amendments, it is respectfully submitted that the rejection is moot. If the Office Action insists on the same rejection, a terminal disclaimer will be submitted when the present application is in condition of allowance.

Claims 1-4 and 15 are rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent No. 6,088,032 of Mackinlay ("Mackinlay"). Claim 5 is rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent No. 6,636,246 of Gallo. Claims 6-13 and 15-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mackinlay. Applicant hereby reserves the right to swear behind Mackinlay and Gallo.

In view of the foregoing amendments, it is respectfully submitted that the present invention as claimed includes limitations that are not disclosed by the cited references, individually or in combination. Specifically, for example, independent claim 1 as amended recites as follows:

1. A method comprising:  
downloading a 3D (three dimensional) environment development program to a computer system from a Web server over the Internet;  
executing the 3D development program within the computer system to convert a 2D (two dimensional) desktop environment of the computer system into a 3D computing environment, including installing an interpreter within an operating system of the computer system;  
providing the 3D computing environment representing a 3D desktop of a computer system in a 3D environment, wherein one or more icons of

the 2D desktop environment are displayed on one or more surfaces of the 3D computing environment;  
receiving a two-dimensional application program;  
the interpreter dynamically converting the two-dimensional application program to a form useable in the three-dimensional computing environment; and  
presenting content of the converted application program within the 3D computing environment to allow a user of the computer system to navigate the content of the application program within the 3D computing environment.

(Emphasis added)

Thus, independent claim 1 includes limitations of downloading a 3D desktop environment to be installed on the top of an existing 2D desktop of an operating system in a computer system, including installing an interpreter within the system. As a result, anything that is originally displayed as a 2D object can now be displayed as a 3D object dynamically using the interpreter. It is respectfully submitted that these limitations are not disclosed or suggested by the cited references.

Although Mackinlay discloses a 3D document workspace, such a workspace is not the same as a 3D desktop environment that interfaces the operating system of a computer system and a user. Mackinlay's document workspace is a specific application installed to manipulate certain documents in a 3D way. It does not convert or replace the existing desktop of an operating system as required by claim 1 of the present application.

Even if, for the sake of argument, Mackinlay's document workspace may be considered as a desktop, Mackinlay's document workspace is not downloaded from a Web server, particularly, to convert or replace the existing desktop as part of the operating system.

The Office Action contended that it is obvious to download software from a Web server to be installed in a computer (see e.g., 5/14/2007 Office Action, pp. 7-8). However, that was not disclosed or suggested anywhere in Mackinlay, particularly, for downloading a

3D desktop to be installed on the top of an existing desktop of an operating system in a computer system. In fact, there is no mention within Mackinlay that the 3D document workspace is downloaded from a Web server to replace or convert an existing 2D desktop. It would be impermissible hindsight to use Applicant's own disclosure against the Applicant. Gallo also fails to disclose the limitations set forth above.

In order to anticipate a claim or render a claim obvious, each and every limitation of the claim must be taught by the cited references, individually or in combination. It is respectfully submitted that Mackinlay and Gallo, individually or in combination, fail to disclose or suggest the limitations set forth above. Therefore, independent claim 1 as amended is not anticipated by or rendered obvious by Mackinlay and Gallo.

Similarly, independent claim 2 includes limitations similar to those recited in claim 1. Thus, for the reasons similar to those discussed above, it is respectfully submitted that claim 2 is patentable over the cited references. Given that the rest of the claims depend from one of the above independent claims, for reasons similar to those discussed above, it is respectfully submitted that the rest of the claims are also patentable over the cited references. Withdrawal of the rejections is respectfully requested.

In view of the foregoing, Applicant respectfully submits the present application is now in condition for allowance. If the Examiner believes a telephone conference would expedite or assist in the allowance of the present application, the Examiner is invited to call the undersigned attorney at (408) 720-8300.

Please charge Deposit Account No. 02-2666 for any shortage of fees in connection with this response.

Respectfully submitted,

BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN

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